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10/014,943	10/26/2001	Darren J. Cepulis	1662-50300 JMH (P99-2534)	3670

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EXAMINER	
BARQADLE, YASIN M	
ART UNIT	**PAPER NUMBER**
2153	10

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,943	Applicant(s) CEPULIS, DARREN J.	
	Examiner Yasin M Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication app ars on th cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *6,7,12,13,26 and 27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-11,14-25 and 28-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 23, 2004 has been entered.

Response to Amendment

2. The amendment filed on January 23, 2004 has been fully considered but are moot in view of the new ground(s) of rejection.

- Claims 6-7,12-13, and 26-27 are cancelled.
- Claims 28-33 are newly added
- Claims 1-5, 8-11, 14-25 and 28-33 are pending.

In response to applicant's arguments on page 8, that ``Cromer does not teach a management device that stores host-specific information during a boot process of the host computer''. Examiner would like to draw applicant's attention to col. 10, lines 47-62 where Cromer discloses a LAN subsystem 94 in computer system 12, which is powered by an auxiliary voltage (Aux 107,

fig. 5). The LAN subsystem 94 will negotiate for connection by sending and responding to packets sent over cable 100 when system 12 is in any power state (Normal operating, suspended, off etc). This allows the system 12 to negotiate for link regardless of power state. Therefore, system 12 is configured to automatically transmit its identity and capability to a main computer at any power state (normal state, suspended state, off state or during Power on self test), the identity and capability information (host-specific information) are received by computer 102 and eventually stored in its memory. As to the management device both computer 102 and LAN subsystem 94 are devices with management functionality. For example, computer 102 builds a custom image for computer 12 using the data received from the packet. It also powers on system 12 by sending a WOL packet (col. 10, lines 1-43].

Regarding applicant's argument on page 9, concerning a logic unit, applicant's attention is drawn to figures 4, 102 and 5, 94, where both units have logic unit functionality. As to applicant's argument about searching for a host-specific information during boot process (see col. 9, lines 1-65 and col. 10, lines 11-56).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2) , and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5,8-11,14-16 and 24-25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Cromer et al US (6256732).

As per claim 1, Cromer et al teach a computer system, comprising:

a host computer (system 12) including a CPU (Fig. 3, 54) coupled to a memory (Fig. 3, 66 and 78), wherein the memory stores host-specific information [Fig. 3 and Col. 2, lines 39-62 and Col. 5, lines 10-34 and col. 8, lines 51-57]; and

a management device (figs. 4, 102 and 5) coupled to said host (see fig. 4), at least a portion of said host-specific is stored in the management device during a boot process of the host computer (a packet information e.g., identification and capabilities of system 12 is received by computer 102) and the

management is operable to manage a function for the host computer (col. 10, lines 11-43) using the host-specific information [Col. 9, lines 1-38 and col. 10, line 1-65].

As per claim 2, Cromer et al teach the computer system of claim 1 wherein said memory comprises non-volatile memory [Fig. 3, 66 and Fig.5, 120].

As per claim 3, Cromer et al teach the computer system of claim 2 wherein said memory comprises volatile memory [Fig.3, RAM 62]

As per claim 4, Cromer et al teach the computer system of claim 1 wherein said management device comprises a subsystem of the host computer [Figs. 4 & 5; col. 7, lines 29-64 and col. 8, lines 22-64].

As per claim 5, Cromer et al teach the computer system of claim 4 wherein the host specific information includes a signature which identifies the information whereby the management device locates and transfers said host specific information [Col. 8, lines 8-58 and Col. 9, lines 1-37].

As per claim 8, Cromer et al teach the computer system of claim 1, wherein said management device includes a CPU (computer 102; col. 23-29) that uses the host specific information to control a

function for the host computer [col. 7, lines 46-64; Col.8, lines 42-64 and col. 10, lines 11-43].

As per claim 9, Cromer et al teach the computer system of claim 1 wherein the management device uploads the host specific information during power on self test of the host computer [Col.8, lines 22-67 and Col. 9, lines 1-67. see also col. 10, lines 47-62].

As per claim 10, Cromer et al teach the computer system of claim 4 wherein said management device uses said host specific information to provide management functionality for the host when the host computer is in a lower state [Col.8, lines 8-67 and Col. 9, lines 1-67. See also col. 10, lines 11-56].

As per claim 11, Cromer et al teach the computer system of claim 10 wherein the host specific information includes a signature which identifies the information and said management device searches for said signature to find said host specific information [Col. 9, lines 1-67].

As per claim 14, Cromer et al teach the computer system of claim 10 wherein said separate device includes a CPU [Fig. 4, 102 & Fig. 5; col. 6, lines 23-30].

As per claim 15, Cromer et al teach the computer system of claim 10 wherein said management device operates from an auxiliary

power source that is available even if the host computer is off [Figs.4 & 5, 107 and Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 16, Cromer et al teach the computer system of claim 10 wherein the management device uploads the host specific information during power on self-test of the host [Col. 9, lines 1-67 and Col. 10, lines 1-56].

As per claim 24, Cromer et al teach a method of operating a logic unit coupled to a host computer, comprising:

searching for host computer specific information during a boot process of the host computer [Figs. 6 and 7 shows host specific information and the steps needed to build and upload the data packet. See also Col. 8, lines 22-58 and Col. 9, line 58 to col. 10, line 56];

upon finding said information, storing said information in a memory of the logic unit [a packet information e.g., identification and capabilities of system 12 is received by computer 102 Col.8, lines 8-58 and Col. 9, lines 1-38 and col. 10, line 1-56]; and

using the information during the operation of the logic unit to independently control a function for the host computer [Col. 8, lines 42-58 and col. 10, lines 11-43];

wherein said searching and uploading occur before run-time of the host computer [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 1-67. see also col. 10, lines 11-62

As per claim 25, Cromer et al teach the method of claim 24 wherein searching and uploading occur prior to run-time [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 1-67. see also col. 10, lines 11-62].

As per claim 28, Cromer et al teach the method of claim 24, wherein storing the computer specific information in a memory of the logic unit comprises storing at least one of an advanced configuration and power interface (``ACPI'') table and a system management basic input/output system (SMBIOS'') [col. 5, lines 10-34 and col. 7, lines 46-64].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 17-23 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al US (6256732).

As per claim 17 and 29, Cromer et al teach a logic unit, comprising

a CPU [computer 102];

memory coupled to said CPU [computer 102, col.7, Lines 46-47];

wherein said logic unit is adapted to couple to a host computer system (see fig. 4) and store a host computer information in the memory during a power on self test of the host computer system whereby the logic unit uses the (table) to manage a function for the host computer system [the host automatically transmits its identification and capability information at any power state (normal state, suspended state, off state or during Power on self test where it is received at computer 102 to facilitate configuring system 12. Col. 2, lines 39-62; Col.8, lines 8-67 and Col. 9, lines 1-67. See also col. 10, lines 21-62].

Although Cromer et al shows substantial features of the claimed invention, including host computer information stored in a memory, he is silent about storing the host computer information in a table. Nonetheless, using a table containing host computer information is well known in the art and would have been an obvious modification of the system disclosed by Cromer et al. using a table in Cromer's memory for storing the host computer information would facilitate identifying and retrieving data packets to be transmitted. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of

the invention to include a table in the system of Cromer et al for the advantage of storing data packets (host computer information) in an orderly manner and to facilitate in locating and retrieving stored contents quickly and efficiently.

As per claim 18 and 30, Cromer et al teach the invention wherein said logic unit comprises management logic which manages a function for the host computer system when the host computer is in a low power state [col. 8, lines 28-67; Col. 9, lines 12-57. see also col. 10, lines 11-43].

As per claim 19, Cromer et al as modified teach the invention wherein the host computer information includes a signature which identifies the information and said logic unit searches for said signature to find said table containing host computer information [Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 20, Cromer et al as modified teach the logic unit of claim 19 wherein the logic unit is configured to request a CPU in the host computer system to coordinate the transfer of the table to the logic unit [Col.8, lines 42-58 and Col. 9, lines 1-67].

As per claim 21, Cromer et al as modified teach the logic unit of claim 19 wherein the logic unit uploads the table without the involvement of a CPU of the hosts computer system [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 22, Cromer et al as modified teach the logic unit of claim 17 wherein the logic unit uploads the table during a power on self test event as subsystem of the host computer [Col.8, lines 22-67 and Col. 9, lines 1-67. see also col. 10, lines 1-62].

As per claim 23, Cromer et al teach the logic unit of claim -17 wherein said logic unit operates from a different power source than the host computer system and, said logic unit can be powered on even if the host computer system is powered off [col. 9, lines 28-67 and Col. 10, lines 11-67].

As per claim 31, Cromer et al teach as modified wherein the management unit comprises a ROM memory that stores computer readable instructions for accessing and storing the instruction table [a packet information e.g., identification and capabilities of system 12 is received by computer 102 Col.8, lines 8-58 and Col. 9, lines 1-38 and col. 10, line 1-56]; and

a processor (computer 102) that executes the computer readable instructions col. 10, line 1-62].

As per claim 32, Cromer et al teach as modified the system of claim 31, wherein the processor requests the CPU to transfer a copy of the information table to a memory of the management unit [a packet information e.g., identification and capabilities of

system 12 is received by computer 102 Col.8, lines 8-58 and Col. 9, lines 1-38 and col. 10, line 1-56].

As per claim 33, Cromer et al as modified teach the invention wherein management logic of the management unit is configured to control the host computer's peripheral interface and is operable to read the instruction table from the host computer's memory unit such that the CPU is not needed to access and store the information [col. 7, lines 46-64 and col. 10, lines 11-56].

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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